

IDAHO BOARD OF MASSAGE THERAPY
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Minutes of 3/8/2021

BOARD MEMBERS PRESENT: Justin Kobbe Solace – Chair
Mary Jo White, D.C.
Riki Nagle-Ker

BOARD MEMBERS ABSENT: Carla A. Steen

DIVISION STAFF: Dawn Hall, Section Chief
Julie Eavenson, Licensing Group Manager
Lori Peel, Investigative Unit Manager
Nicholas Krema, General Counsel
Greg Floyd, Financial Unit Manager
Tim Frost, Regulatory Affairs Manager
Eric Nelson, Board Prosecutor
Cesley Metcalfe, Team Lead
Candace Villarreal, Board Specialist
Danielle Martin, Technical Records Specialist

OTHERS PRESENT: Laura Embleton, Government Relations Director,
Associated Bodywork & Massage Professionals
Lance Giles, Eiguren Ellis Public Policy
Barb DeHaan, Idaho Director, Northwest Career
Colleges
Rebecca Stite, Public Member
Susan Beck, Public Member
Christine Hooper, Public Member
Jaime Slater, Public Member
Trudy, Public Member
Lorena Hayes, Public Member

The meeting was called to order at 9:30 AM MST by Justin Kobbe Solace.

APPROVAL OF MINUTES

Dr. White made a motion to approve the minutes of 1/11/2021. It was seconded by Ms. Nagle-Ker. Motion carried.

LAWS AND RULES

Mr. Frost explained that the Idaho Legislature has worked very closely in the with the Governor and occupational licensing boards on regulatory review and reform in recent years. In the 2020 Idaho legislative session, the legislature passed SB 1351 establishing an advisory Occupational and Professional Review Committee to implement a sunrise review process for boards.

In the 2021 legislative session, SB 1084 has been introduced and seeks to establish a sunset review process for the advisory Occupational and Professional Review Committee. If SB 1084 passes, Idaho Code will now have a sunset and sunrise process in place to review occupational licensing boards practice acts.

Mr. Frost also informed the Board of another piece of legislation introduced for the 2021 legislative session – HB 273. The bill statement of purpose states: “This legislation establishes a sunset date of July 1, 2022 for the legislative re-review of the following five occupational licensing chapters within Title 54, Idaho Code: abstracters of title, state athletic commission, certified shorthand reporters board, board of massage therapy, and genetic counselor licensing board. This legislation works in conjunction with the sunrise and sunset procedures established by the legislature to ensure that all regulatory requirements are periodically re-examined to ensure there is a balance between public safety and restrictions of professions.”

Mr. Frost said if SB 1084, HB 273, or any future similar legislation passes, the Division of Occupational and Professional Licenses will work closely with the advisory Occupational and Professional Review Committee on the sunset review or the sunrise of occupational licensing statute chapters and their respective boards.

PUBLIC COMMENT

Ms. Susan Beck asked the Board if there would be adequate time to open the bill for public comment and participation within the current timelines set forth? Ms. Beck also offered her assistance to the Board and the Division regarding HB 273. Mr. Frost stated that the Occupational and Professional review committee intends to meet this summer, and if it is unable to meet, or if additional time is required, the review committee may choose to extend the process into 2023 in order to allow time for review and public participation in the process.

Ms. Laura Embleton, Government Relations Director at Associated Bodywork and Massage Professionals (ABMP) Colorado, covered her experience with similar legislation in Colorado (CO). Ms Embleton stated that if Idaho (ID) followed the process used in CO, the outcome for Idahoans would be beneficial. Ms. Embleton also spoke about deregulation in Arizona (AZ), and said that if ID deregulates massage therapy, the outcome would not be conducive to public protection.

Ms. Rebecca Stite, thanked the Board for its vigilance in this matter, and stated that deregulation would adversely affect Idaho schools.

Mr. Lance Giles, Lobbyist for Northwest Career Colleges stated that they oppose HB 273. Mr. Giles stated that all legislation mentioned by Mr. Frost is being followed closely, and that they currently have no opposition to SB 1084.

COMPLAINT MEMORANDUM

Ms. Peel gave the investigative report, which is linked above.

EXECUTIVE SESSION

Dr. White made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Ms. Nagle-Ker. The vote was: Dr. White, aye; Ms. Nagle-Ker, aye; and Mr. Kobbe Solace, aye. Motion carried.

Ms. Nagle-Ker made a motion to come out of executive session. It was seconded by Dr. White. Motion carried.

DISCIPLINE

Mr. Nelson presented a Stipulation and Consent Order in case numbers MAS-2020-8 and MAS-2021-1. Ms. Nagle-Ker made a motion to approve the Consent Order and allow the Board chair to sign on behalf of the Board. It was seconded by Dr. White. Motion carried.

DIVISION BUSINESS

FINANCIAL REPORT

Mr. Floyd gave the financial report, which indicated that the Board had a cash balance of \$449,538.71 as of 1/31/2021.

SET NEXT MEETING DATE

NEXT MEETING is scheduled for May 10, 2021 at 9:30 AM MDT.
ANOTHER MEETING is scheduled for July 12, 2021 at 9:30 AM MDT.

TO DO LIST

The Board reviewed the To Do List and no action was taken.

BOARD BUSINESS

REVIEW APPLICATION PROCESS

Mr. Crema presented the criminal conviction matrix. The Board discussed options for its application review process in relation to the matrix. Ms. Nagle-Ker made a motion to update limited authority granted to the Board specialist to include review of applications meeting the matrix guidelines set forth, which do not include sexual crimes, violent crimes, crimes that include weapons, or assault and battery, and to allow Board members to review applications, including those with criminal activity or sanctions and discipline in another state, in between Board meetings and to approve, or to recommend full Board review. It was seconded by Dr. White. Motion carried.

REVIEW CONTINUING EDUCATION (CEU) APPROVAL APPLICATION

The Board postponed its discussion of the continuing education (CEU) approval application until the May 10, 2021 Board meeting. No Action was taken.

CONFERENCE ATTENDANCE AND UPDATES

The Board discussed the upcoming Federation of State Massage Therapy Boards (FSMTB) annual meeting, to be held October 7-9, 2021. Due to current COVID-19 guidelines and restrictions on travel, the Board postponed discussion until the May 10, 2021 Board meeting. No Action was taken.

EXECUTIVE SESSION

Dr. White made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Ms. Nagle-Ker. The vote was: Dr. White, aye; Ms. Nagle-Ker, aye; and Mr. Kobbe Solace, aye. Motion carried.

Ms. Nagle-Ker made a motion to come out of executive session. It was seconded by Dr. White. Motion carried.

APPLICATIONS

Dr. White made a motion to approve the following for licensure:

Kaila Standon MASA-4334

It was seconded by Ms. Nagle-Ker. Motion carried.

Ms. Nagle-Ker made a motion to approve the following pending receipt of additional information:

901-179-972

It was seconded by Dr. White. Motion carried.

ADJOURNMENT

Ms. Nagle-Ker made a motion to adjourn the meeting at 11:49 AM MST. It was seconded by Dr. White. Motion carried.

Justin Kobbe Solace, Chair